

DAVID A. JOFFE, ESQ.

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May 13, 2019

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, New York, New York 10007

USDC SDNY
DOCUMENT
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DATE FILED: 05/13/2019

Re: Joffe v. King & Spalding, No. 17-cv-3392-VEC-SDA

MEMO ENDORSED

Dear Judge Caproni:

The undersigned is the plaintiff in the above-captioned action, proceeding pro se.

As Your Honor may recall, on December 7, 2018, this Court held a conference to set the trial schedule for the instant case. (See Doc. No. 134.) At that conference, the Court initially set a trial date of April 15, 2019, but withdrew that date after the parties explained the nature of their then-planned motions to exclude certain expert testimony. Instead, the Court set a briefing schedule for the parties' motions, and stated that trial would be expected to take place sometime in Summer 2019. (See id. at 6-7.) Accordingly, the undersigned writes to update the Court regarding the parties' availability for trial in Summer 2019, and to respectfully request a status conference.

The undersigned is available for a trial commencing on any date throughout the months of August 2019 and September 2019. Defendant King & Spalding's position, as set forth in its counsel's correspondence enclosed as Exhibit A, is that "there is no reason to provide the Court with the parties' availability for trial ... at this time."

In addition, in light of the Court's stated expectation of a trial date in Summer 2019, the undersigned respectfully requests a status conference in order to discuss scheduling and timelines in the instant case.

Thank you for your consideration of the foregoing.

Respectfully submitted,

/s/ David A. Joffe
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CC (via ECF): All counsel
Enclosure

For the reasons stated by defense counsel,
Plaintiff's motion is DENIED.

SO ORDERED. Date: 05/13/2019



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

EXHIBIT A



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May 9, 2019

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VIA EMAIL

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Re: *David A. Joffe v. King & Spalding LLP*
17 Civ. 3392 (VEC)(SDA)

Dear David:

We write in response to your May 9, 2019 email, which attached a proposed draft letter to the Court providing the parties' availability for trial and requesting a status conference.

We believe that your proposed letter is premature. At the December 7, 2018 conference, Judge Caproni said "I'm not going to set a trial date until I resolve the Daubert issue." (Dec. 7, 2018 Transcript at 6:23-24.) As you know, the Court has not yet decided any of the five *Daubert* motions currently pending and there is thus no reason to provide the Court with the parties' availability for trial or request a status conference at this time.

When the Court asks the parties to confer and provide mutually convenient trial dates, we will of course cooperate in responding as we did previously.

Very truly yours,

/s/ Joseph Baumgarten

Joseph Baumgarten

cc: Pinchos Goldberg